

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action mailed August 24, 2009. Claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183 and 230-236 were pending in the present application. This Amendment amends claim 140 and adds new claims 237 and 238, leaving pending in the application claims 140-145, 150, 151, 155-159, 162, 169-174, 182, 183 and 230-238. Applicants submit that no new matter has been introduced by virtue of these amendments. Reconsideration of the rejected claims is respectfully requested.

#### **35 U.S.C. §112 Rejection of Claims 230 and 231**

Claims 230 and 231 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action asserts:

As per claims 230 and 231 both recites using a fourth analysis module [...] based on a fourth set of user-defined parameters. Examiner notes that the fourth analysis module is used for two different functions e.g., to identify components that are shortage risk or to determine an allocation of a purchase. Examiner is not clear which one is the correct one defined as the fourth analysis module. Appropriate correction is required.

(Office Action: pg. 3).

While the recited “fourth analysis module” is used for different functions in claims 230 and 231 respectively, Applicants note that there is no dependency relationship between claims 230 and 231; rather each depends from claim 140 separately. Accordingly, Applicants submit that there is no inconsistency between claims 230 and 231, and respectfully request that the Section 112 rejection of these claims be withdrawn.

#### **35 U.S.C. §103 Rejection of Claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236**

Claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fox et al. (U.S. Patent No.

5,491,629, hereinafter “Fox”) in view of Ouiment (U.S. Publication No. 2002/0107819 A1, hereinafter “Ouiment”) and further in view of Waller et al. (U.S. Publication No. 2001/0047293 A1, hereinafter “Waller”). Applicants respectfully traverse.

Applicants’ independent claim 140 (as amended) recites, in part:

analyzing, by the computer system, the internal and external data-using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise, and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data;

analyzing, by the computer system, the internal and external data using a second analysis module to forecast prices for the plurality of components set by suppliers external to the enterprise, wherein the analyzing performed using the second analysis module is based on a second set of user-defined parameters that qualify the internal or external data;

...

recommending by the computer system, one or more proposed actions to take with respect to procurement-of the plurality of components based on the analyzing performed using the first, second, and third analysis modules;

Applicants submit that at least these features of claim 140 are not taught or suggested by Fox, Ouiment, or Waller, considered individually or in combination.

For example, Fox, Ouiment, and Waller fail to teach or suggest “analyzing... the internal and external data using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise, and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data” as recited in claim 140. The Office Action concedes that this feature of claim 140 is not shown by Fox or Waller. However, the Office Action asserts that this feature is shown by Ouiment at paragraph 69. (Office Action: pg. 4). Applicants respectfully disagree.

Ouiment is directed to a “method and system for controlling the optimization of a planning model [for a business] while simultaneously satisfying at least one strategic objective.”

(Ouiment: para. 10). Examples of strategic objectives include the maximization or minimization of various measures such as profit, revenue, cost, service level, etc. (Ouiment: paras. 53-68).

The cited section of Ouiment (paragraph 69) states:

Note that the task of selecting the Primary Objective from the Aggregate Measure Table may also includes [sic] the further task of selecting whether the Objective is to maximized [sic] or minimized. Strategic Objectives are also included in the Aggregate Measure Table and are selected by the user. The system gives the user the option of ranking the multiple Strategic Objects [sic] in terms of weights to prioritize multiple strategic objectives or in terms of a target value for a particular Strategic Objective. When presented with a target value for a Strategic Objective, the system operates to find the proper weight for the Objective that will yield the target value after optimization. When presented with the weight of a Strategic Objective, the system proceeds to optimize the model in light of the weight.

As best understood, this section merely indicates that one or more strategic objectives (e.g., profit maximization, cost minimization) can be selected by a user for optimizing a planning model. If multiple objectives are selected, weights can be determined for each objective based on target values (e.g., profit greater than one million). The planning model is then optimized in light of the strategic objectives and their corresponding weights.

Applicants submit that this section of Ouiment fails to teach anything about analyzing internal and external data pertaining to components to be procured by an enterprise, where the analysis includes determining criticality ratings for the components that indicate the strategic importance of the components to operations of the enterprise, and where the analysis is performed based on a first set of user-defined parameters that qualify the internal or external data as recited in claim 140. As an initial matter, Applicants note that the cited section of Ouiment makes no reference at all to the recited internal and external data of claim 140; rather, the cited section merely describes “strategic objectives,” which are business goals such as profit maximization or cost minimization. Accordingly, Ouiment fails to teach or suggest “analyzing... the internal and external data using a first analysis module...” as recited in claim 140. (Emphasis added).

Further, the cited section of Ouiment fails to disclose the recited criticality rankings of claim 140. The Office Action apparently construes the determination of weights in

paragraph 69 of Ouiment has corresponding to the determination of criticality rankings. (See Office Action: pg. 4). However, as described above, the weights in Ouiment are simply weights that are applied to the strategic objectives when used to optimize a planning model. The weights of Ouiment are completely unrelated to components to be procured by an enterprise. As such, the weights of Ouiment cannot be properly construed as corresponding to a “criticality rating for a component... [that] indicates the strategic importance of the component to operations of the enterprise” as recited in claim 140. (Emphasis added).

Further, the cited section of Ouiment fails to disclose the recited “first set of user-defined parameters” of claim 140. The Office Action apparently construes the “target values” described at paragraph 69 of Ouiment as corresponding to the first set of user-defined parameters. (See Office Action: pg. 4). However, as described above, the target values are simply business goal targets, such as profit above a certain amount. Nowhere does Ouiment indicate that such target values qualify internal or external data pertaining to components to be procured by an enterprise. Accordingly, the cited section of Ouiment fails to teach or suggest “wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data” as recited in claim 140. (Emphasis added).

Further, Fox, Ouiment, and Waller fail to teach or suggest “analyzing... the internal and external data using a second analysis module to forecast prices for the plurality of components set by suppliers external to the enterprise, wherein the analyzing performed using the second analysis module is based on a second set of user-defined parameters that qualify the internal or external data” as recited in claim 140. The Office Action concedes that this feature of claim 140 is not shown by Fox or Waller. However, the Office Action asserts that this feature is shown by Ouiment at paragraph 26. (Office Action: pg. 4). Applicants respectfully disagree.

Paragraph 26 of Ouiment states:

In configuring the invention the user must first select and define a primary objective or goal. The most common primary objective is profit although overall revenue, market share, risk-adjusted income as well as related factors that are user defined can form the primary objective. In the present invention it is possible to set up multiple primary objectives which can

be weighted or treated in order. Within these primary objectives negative or constraint factors can be treated as well as positive factors such as profit. The objectives contain or subsume decision variables that must be optimized to attain the objective. For example, a major decision that affects profit is price. A planner sets the price of each item based on actual constraints (like the actual cost of goods) with a view towards maximizing profit. A planning model can simulate a large number of possible price decisions and based on real historical sales data can predict the decisions (prices) to reach the primary objective (produce the optimum profit).

As best understood, this section of Ouiment describes an exemplary planning model for a business that is based on price. Specifically, a planner of the business can set prices for each of the items sold by the business, and the planning model can be applied to determine the effect of those decisions on some business goal or objective.

Since the cited section of Ouiment merely describes the notion of setting prices by a business for items to be sold by the business, Ouiment fails to teach anything about analyzing internal and external data to forecast prices for components to be procured by a business or enterprise from external suppliers as recited in claim 14. Specifically, Ouiment describes price planning from a seller's perspective (e.g., the entity selling the items being priced), whereas Applicants' claim 140 describes price forecasting from a buyer's perspective (e.g., the entity procuring the items being priced). Accordingly, Ouiment fails to teach or suggest "analyzing... the internal and external data using a second analysis module to forecast prices for the plurality of components set by suppliers external to the enterprise" as recited in claim 140.

Further, since Fox, Ouiment, and Waller fail to teach anything about the analyses performed by the recited first and second analysis modules of claim 140, the references necessarily fail to teach or suggest "recommending... one or more proposed actions to take with respect to procurement of the plurality of components based on the analyzing performed using the first, second, and third analysis modules" as recited in claim 140.

For at least the foregoing reasons, Applicants submit that independent claim 140 is not rendered obvious by Fox, Ouiment, and/or Waller, and respectfully request that the rejection of claim 140 be withdrawn.

Claims 141-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 depend (either directly or indirectly) from independent claim 140, and are thus allowable for at least a similar rationale as discussed for claim 140, and others.

### **35 U.S.C. §103 Rejections of Claim 230-232**

Claim 230 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fox in view of Ouiment, further in view of Waller as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 in view of Huang et al. (U.S. Patent No. 5,953,707, hereinafter “Huang”). Claim 231 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fox in view of Ouiment, further in view of Waller as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 in view of Yang et al. (U.S. Publication 2001/0034673, hereinafter “Yang”). Claim 232 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fox in view of Ouiment, further in view of Waller as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-236 in view of Salvo et al. (U.S. Patent 6,341,271, hereinafter “Salvo”). Applicants respectfully traverse all of these rejections.

Claims 230-232 depend from independent claim 140, which is not rendered obvious by Fox, Ouiment, and/or Waller as discussed above. As best understood, the other cited references do not remedy the deficiencies of Fox, Ouiment, and Waller in this regard. Accordingly, Applicants submit that claims 230-232 are allowable for at least a similar rationale as discussed for claim 140, and others.

### **New Claims 237 and 238**

Independent claims 237 and 238 have been added to cover various embodiments of the present invention. Support for these claims can be found in the Specification at, for example, FIGS. 6 and 7D. No new matter is added.

Claims 237 and 238 recite features that are substantially similar to independent claim 140, which is not rendered obvious by Fox, Ouiment, and/or Waller as discussed above.

Accordingly, Applicants submit that claims 237 and 238 are allowable for at least a similar rationale as discussed for claim 140, and others.

**Amendments to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification as filed and do not add new matter.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Andrew J. Lee/

Andrew J. Lee  
Reg. No. 60,371

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
A2L:m6s  
62221615 v1